File No. 707

Collection No.

19 31.

Mysore Residency

Bangalore.

Pros. Serial Nos. 1-3

Subject.

Appeal petitions of Ex-Sub Inspector of Police D.Selvaraj and Ex-Head Constable Joseph of the Civil and Military Station Police Force.

Previous References.	**Later References.**
	F.No.1002 of 1934.

S. 97. (Blue).

DGFP—16583&P—(M-1937)—19-12-32—60,000.

Endt. No.1652-A, dated the 22nd October, 1931, from the Commissioner of Police, Civil and Military Station, Bangalore.

Appeal petitions of ex-Sub-Inspector of Police D.Selvaraj and ex-Head Constable A. Joseph.

The 1st petitioner, Mr. D. Selvaraj, was a clerk in the office of the Commissioner of Police from 16-9-1923 to 21-10-1929 when he was selected as a Probationary Sub-Inspector in the Station Police Force, and sent to Vellore for training. On his return from Vellore on 13-10-1930, he was attached to one of the Police Stationsand in the beginning of April, 1931, he was placed in charge of the Traffic Department.

The 2nd petitioner, A. Joseph, had served in the Army during the Great War for five years. He was appointed as a Head Constable in the Station Police Force in 1922 and ~~has ever since been~~ was attached to the Traffic Branch ever since.

On 11-7-1931 Mr. C.H. Ashe, Proprietor of a taxi service in the Station, presented a petition to the Offg: Commissioner of Police, Mr. R.S. Milton, making certain allegations against Sub-Inspector Selvaraj and Head Constable Joseph. On 14-7-1931, Mr. Milton sent for the Sub-Inspector and questioned him on the petition and passed an order to the following effect:-

> "..... The dishonesty of the Sub-Inspector is clear, and being a probationer, his probation is ceased".

On the next morning, the Sub-Inspector made a representation to the Commissioner explaining his conduct and praying for a detailed enquiry into the matter. The same afternoon he submitted another petition to the Commissioner praying that his request for an enquiry might be dropped and that he ~~may~~ might be allowed to join his permanent

permanent appointment as clerk. On this, the Commissioner ordered on the 16th July, 1931 :-

> "His probation having ceased, he may, for the present, rejoin his permanent appointment as clerk".

On 21-7-31, the Commissioner passed another order "placing under suspension Typist Selvaraj and Head Constable Joseph of Traffic, pending disposal of charges against them".

The Commissioner of Police then held a departmental enquiry into the allegations made by Mr. Ashe, as a result of which, both the Sub-Inspector and the Head Constable were dismissed from service with effect from the 1st September, 1931

The following are the relevant papers in the record:-

(i)	Mr.Ashe's petition and the Commr.'s order dated 14-7-31.	Pages 1 - 2
(ii)	Mr.Selvaraj's petition for an enquiry.	Page 13
(iii)	Mr.Selvaraj's petition for dropping the enquiry etc.	" 17
(iv)	Statements of Mr. Ashe and other prosecution witnesses	pages 43 - 47
(v)	Charge against the appellants.	" 48 - 49
(vi)	Statements of Selvaraj and Joseph and ~~other~~ defence witnesses.	" 50 - 58
(vii)	Commissioner's Minute containing a summary of the case and the order of dismissal.	" 59 - 62.

Both the Sub-Inspector and the Head Constable have appealed to the Resident against their dismissal under paragraph 332 of the Police Orders. The two appeals are dealt with separately.

APPEAL NO. I - D. SELVARAJ.

The offence for which the petitioner was dismissed from service is that he, a probationary Sub-Inspector of Police in charge of the Traffic Department, received, on the 9th July, 1931, a money order for Rs.20/- from Mr. C.H. Ashe, Proprietor

of

Para 5/a P.w.c I

trying to ascertain the purpose for which the same was sent". According to the petitioner, these entries in the diary for the 10th, 11th, 13th and 14th July 1931 go to show that he had been to Mr. Ashe's residence on those dates for the purpose of finding out from Mr.Ashe why he had sent the amount. In the first place, it may be mentioned that if the Sub-Inspector received the amount (as he says) "under the belief that the remitter had sent it for some lawful purpose and that he would either call at his office and explain why it had been sent or communicate in writing his object in doing so", there was no occasion for the petitioner to go to Mr.Ashe at all. He should have paid the amount into office and awaited a further communication from Mr. Ashe. Again, the statement he made before the Commissioner of Police implicating Joseph is inconsistent with his plea that he kept the money thinking that the remitter had sent it for some lawful purpose. Coming to the alleged entries in the diary, it is submitted that the only entry in the diaries sent by the Sub-Inspector to the Divisional Inspector from the 10th to the 13th July, which has any reference to the visits paid by the petitioner to Mr. Ashe's residence, is that contained in the diary for the 10th July, 1931, which reads as follows:-

Para 2 P.w.c I

(R) page 2

A - pages 6-10.

page 6 reverse)

x x x x
8-30 A.M. to 9-40 A.M.
At Shoolay Station, Richmond Road etc.
x x x x

*Mr.Ashe's residence is in this road.

In a note book maintained by the Sub-Inspector and exhibited in the records of the case, the following entries are found:-

(R) - page 28

Whether the note book exhibited by the Appellant is one prescribed by rules and how far it is a reliable record may be ascertained at the interview with the C.P. - vide para. 27 infra. R 2/2

10-7-31
8-30 A.M. Left for Shoolay
Moved in Richmond Road etc.

11-7-31
8 A.M. left to Shoolay - Richmond Road to see Ashe.

12-7-31
8-10 A.M. left to Shoolay

13-7-31
8-20. Left for Shoolay

14-7-31
8-30 A.M. To Shoolay, Richmond Road, etc.

It will be observed that the fact of having received the money order or the purpose for which he went to Ashe, Richmond Road or Shoolay, ~~have~~ has not been mentioned either in the official diary or in the note book. Nor did the S.I. say anything about these visits when he was questioned about this affair by the Commissioner on the 14th July, 1931. The first time ~~he~~ he mentioned about these visits was in his petition to the Commissioner dated the 14th July, 1931 praying for a detailed enquiry, wherein he stated ~~xxxx~~ "as I did not know for what purpose he (Mr. Ashe) sent me the money and as I could not see Head Constable Joseph, I went up to Mr. Ashe the following morning (11th) also on 13th & 14th, but I could not find him". It will be seen from this petition and from what he had told the Commissioner on 14-7-31 regarding Head Constable Joseph negotiating with Mr. Ashe for such payments, that he knew, from the very beginning, that Joseph had something to do with the remittance he had received from Mr. Ashe and that the transaction was a suspicious one. Even supposing that he was really ignorant of the exact nature of the negotiations ~~going on~~ between Joseph and Mr. Ashe and that he wanted to find out the real purpose for which the amount had been sent, before reporting the matter to his superiors, it would not have been difficult for him to ascertain the true facts either from Joseph or from Mr. Ashe immediately after he received the amount. In his explanation to the charge, he stated:- "I did not report to Commissioner at once because I did not know the purpose for which the money had been sent and I wanted to report after ascertaining the facts from Mr. Ashe because if I had reported I would have committed myself, for he would have jumped with his defence that he sent it for some definite purpose and not as an illegal gratification".

This

This sounds as an after-thought. If, as alleged, his idea was to book Mr. Ashe for having sent a remittance by way of bribe or his subordinate Joseph whom he - suspected of having negotiated for a bribe from Mr.Ashe, one would have expected that he would, first report the matter confidentially to his superiors and then proceed with the investigation rather than keep the amount with him and risk his own safety. Again, his petition to the Commissioner dated 15-7-31 wherein he prayed that the enquiry ~~may~~ might be dropped is not consistent with his innocence. His explanation in this connection is - - that the Commissioner of Police threatened to dismiss him in the event of an enquiry and that was why he wanted the matter to be dropped. ~~xxxx

The defamation case instituted by Mr. Vinayagam against Ashe is proceeding in the Munsiff-Magte.'s Court.

(the reference is apparently to Mr. Vinayagam, Confidential Assistant to the Commissioner of Police). While it should, therefore, be admitted that Mr. Ashe was acting with malice under the impression that he was being unduly harassed by the Traffic Department, that he was not overscrupulous in his methods and that the money order was a trap deliberately set up by ~~Mr. Ashe~~ him, the fact remains, as pointed out by the Commissioner, that Mr. Selvaraj received the M.O., pocketted the amount and said nothing about it until he was questioned by the Commissioner.

Ground No.(iv).

If it is a fact that Mr. Selvaraj preferred a charge sheet against one of Ashe's taxis on 13-7-31, under circumstances in which he could have safely hushed up the matter, it is a point in favour of the petitioner, inasmuch as such conduct on his part would be inconsistent with his having received a bribe from Mr. Ashe only a few days back. The records relating to this charge have not been exhibited in the case.

Ground No. (v).

Joseph's explanation that he was negotiating with Mr. Ashe for a loan does not seem to help Mr. Selvaraj. In the first place, his explanation has not been accepted by the Commissioner. Secondly, even supposing it to be true, how does it help Selvaraj? At the time he received the remittance, Selvaraj was not, according to his own statement, aware that Joseph was negotiating for a loan from Mr. Ashe for his niece's marriage. Of course, he told the Commissioner on 14-7-31 that he knew that Joseph had been negotiating with Mr. Ashe for such payments. But, by 'Such payments', he could not evidently have meant a 'loan'. He therefore knew or at any rate suspected that the remittance was the result of negotiations for a bribe, and ought to have reported the matter at once to the Commissioner.

Ground

Para 5 ✓
P.u.c.I

Ground No.(vi).

As stated by the petitioner it is hard to believe that Mr. Ashe would have dared to send a bribe by an open M.O. or that the S.I. would have received such a remittance if he had known that it was intended for a bribe. As for Mr. Ashe, he was "out to collect sufficient and tangible evidence against the Sub-Inspector and his staff so that action may be taken against them". So, he had his defence ready if confronted with a charge of trying to bribe a Government servant. Mr. Selvaraj - points out that if it was really Mr. Ashe's object to test his official integrity, he would have at first - intimated the course he was going to adopt in a confidential communication to the Commissioner of Police. This was certainly the procedure that Mr. Ashe should have adopted. But evidently Mr. Ashe was not quite sure whether Mr. Selvaraj would be foolish enough to be caught in the net that he was spreading and so did not think it advisable to inform the Commissioner beforehand, for, if the money order was refused, that would weaken his case very much in the eyes of the Commissioner. As for Mr. Selvaraj, a remittance by M.O. should have at once put him on his guard. The only explanation that can be thought of is that he foolishly accepted the amount without realising the consequences of his act. xxxx

very beginning, because when he questioned the S.I. on the 14th July 1931, he was unable to offer a satisfactory explanation. But that does not in any way imply that the Commissioner had not kept an open mind during the subsequent enquiry. He had evidently no personal grudge against the S.I.. On the other hand, the good work done by the S.I. on one occasion was appreciated by Mr.Milton who offered him a reward of Rs.20/- in that connection.

Extract (2) at (A)

Ground No.(viii).

Police Order 199 (which relates to 'system of - punishment by black marks') is perhaps a mistake for Police Order 198. Police Order 198 however seems to refer only to punishments in the case of constables, but even granting that it applies to Sub-Inspectors, it is wrong to say that the Commissioner did not hold an enquiry as provided for in Police Order 198 before passing the order ceasing probation. The Commissioner questioned the Sub-Inspector about the charges levelled against him, recorded his explanation in writing and passed an order ceasing probation in writing. Nor is it clear why the - petitioner alleges that the Commissioner of Police has not conformed to the provisions of sec.7(2) of Police Order 204. In the first place, there seems to have been no undue delay in commencing and closing the enquiry. The petition was received on 11-7-1931 and the enquiry appears to have been closed before the end of the month, though the order of dismissal was passed only on 1-9-31. In the second place, the petitioner has no means of - knowing whether the information required by P.O.204(c)(1)(2) is actually contained in the office copy of the Minute or not

Ground No.(ix).

The petitioner's youth, inexperience and previous good conduct cannot, it is submitted, be taken into account when deciding the question whether the offence

with

with which he was charged has been proved or not. If, however, from the evidence available and the circumstances of the case, the Secretary and the Resident come to the conclusion that the charge against the petitioner has been proved beyond doubt, then, it is submitted, that the youth, inexperience and previous good record of service of the accused are factors that may be taken into consideration in deciding the question whether the punishment awarded by the Commissioner, namely, dismissal from Government service, is excessive or not. Mr. Selvaraj was 29 years old at the time, had ~~seven~~ eight years' service in the Department of which about ~~8~~ 9 months were as Sub-Inspector and was placed in charge of the Traffic Branch only about 3 months before the date of occurrence. His record of service contains two good service entries, for one of which he was also awarded a reward of Rs.20/-.

It may also be mentioned that the order dated the 14th July, 1931, ceasing his probation as Sub Inspector for "unsatisfactory and suspicious work" ~~was intended to be and is~~ would appear to be a substantive punishment in itself. The correct procedure for the Commissioner of Police would have been, as soon as the petition was received, to suspend the officer (if he thought it necessary) pending an enquiry into the allegations. In this case, the punishment of ceasing the probation was inflicted in the first instance. Subsequently the petitioner was suspended and a formal enquiry held as a result of which he was dismissed. Two punishments have therefore been awarded for one offence, the latter involving dismissal from service.

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* Please see also the extracts enclosed to the appeal petition.

(M) ✓

(A) ✓

(R) - page (12) ✓

P.T.O.

APPEAL NO. II - H.C. JOSEPH.

The charge against the second appellant is that he, an Head Constable in the Traffic Department, negotiated with Mr. Ashe, a Taxi proprietor, on behalf of Sub-Inspector Selvaraj, for a monthly payment of Rs.20/- as bribe. The essence of the charge is that he negotiated for a bribe. It is not, therefore, necessary to go into the question whether the money order sent by Mr. Ashe was the outcome of these negotiations or not.

The allegations are that

(i) Joseph met Mr. Ashe between 9 and 11 A.M. on the 2nd July, 1931, near the Poultry Market when the subject of a monthly payment of Rs.20/- by Mr. Ashe to the Traffic Sub-Inspector was first mentioned.

(ii) Joseph went to Mr. Ashe's house at about 8.30 A.M. on the 6th July, 1931 (after first ringing him up over the phone) and reminded him about the payment.

(iii) On the next morning (7-7-1931) Joseph,

who

who was ill, sent a note to Mr. Ashe requesting him to pay the amount to the bearer of the note.

Page 3-para 4
P.W.C. 11

Point (i).

Joseph denies having met Mr. Ashe on the 2nd morning near the Poultry Market and says that he was at the time of the alleged interview on duty in B/1 Police Station vide entries in the Station House Diary for that date. Mr. Ashe has not cited any witnesses to the interview or produced any other independent evidence to corroborate his statement. This part of the charge has not therefore been proved.

Point (ii).

The second interview which is alleged to have taken place at Mr. Ashe's residence on the 6th July, 1931, at about 8-30 A.M. is also denied by the petitioner. He again quotes the entries in the Station Diary to show that he was on duty at the Station from 6 to 10-35 A.M. on the day in question. Dr. Rama Rao of the Bowring Hospital has, however, deposed that Joseph had been to Hospital at about 9 A.M. on the 6th July. Mr. Hayes (Ashe's Manager) speaks of two visits by Joseph in the beginning of July, 1931, the second being on the 5th or 6th. Joseph himself admits having gone to Mr. Ashe's house in the first week of July, 1931, for a loan of Rs.50/- in connection with his sister's daughter's marriage. In the circumstances, the fact that he went to Mr. Ashe's house on the 6th or thereabouts and asked for money may be taken as having been proved. As no one else appears to have been present at the interview, the question whether the money asked for was by way of a loan or was intended to be a bribe has to be deduced from surrounding circumstances, which are discussed in the next paragraph.

Point (iii).

Ex. A, the note which Joseph sent to Mr. Ashe on the 7th July, 1931, is the strongest piece of evidence against him. This chit, the authenticity of which has been admitted by Joseph, is reproduced below:-

"Sir,

I am unable to come over, as I am still suffering from Influenza. So the same may be paid to the Bearer, For which I shall be thankful,

Sd. A.Joseph,
Head Constable
D/ 7/7/31.

Mr. C.H.Ashe,
Richmond Road."

The wording of the chit would seem to give the transaction a suspicious appearance. The Sub-Inspector's statement before the Commissioner that Joseph was negotiating with Mr. Ashe for such payments also goes against Joseph. It is urged in favour of the petitioner that he was acquainted with Mr. Ashe for a number of years, even before he started his taxi-service, that he had once before taken a loan of Rs.20/- from him (this is denied by Mr. Ashe), that his sister's daughter's marriage in connection with which the money was required was actually celebrated on the 13th July, 1931 and that his sister had to borrow Rs.50/- from a money lender on the 11th July, 1931, as he had failed to get the money from Mr. Ashe as promised. The Commissioner was, however, of opinion that the chit was the result of previous negotiations for a bribe. He has also remarked that even if the money was intended to be a loan, which he does not believe, it is a very serious offence for an Head Constable in the Traffic Department to take loans from a taxi proprietor.

The petitioner has a good record of service and was the recipient of rewards on three occasions.

The

To sum up the discussions in the preceding paragraphs, the defence set up by the petitioners appears to be generally weak, but the following points seem to be in their favour:-

(i) Mr.Ashe acted with the deliberate intention of bringing the Traffic Department into trouble under the misapprehension that he was being unduly harassed by them.

(ii) The Commissioner has found that the allegation that the Sub Inspector negotiated directly for a bribe etc. was false.

(iii) Joseph negotiated with Mr.Ashe for a sum of money; whether as a loan or otherwise has not been definitely proved.

(iv) The Sub Inspector was foolish in accepting an M.O. remittance without realising the consequences of such acceptance.

(v) Both the petitioners have a good record of previous service, and the Sub Inspector had only a very short experience of about 8 months in executive work.

(vi) The Sub Inspector has been subjected to two punishments in respect of one offence, the latter involving dismissal.

(2-1)

The two petitions are submitted for orders. Perhaps, before passing final orders, the Secretary might care to discuss this case with Mr. Sullivan who has asked for an interview on the subject.

(E)

[From para.1]

K.P.Nayar
22-1-32

2/2

Secy.
(2nd)

In relation to Mr Sullivan's
2/2

(3)

Re-submitted.

K.P.Nayar
8-2-32

Secretary.

Secretary.

Submitted.

K.D. Nayar
10.2.32

Have you any remarks
or would you like
to discuss before I
put up to Resident?
Yes
Yes

Q.U.No. 1077
11th February 1932

Comm of Police.
No

It is evident from Mr Millen's minute that he disbelieved practically the whole of Aske's evidence and also his taxi driver's evidence is palpably false. Mr Stayer who to Mr Aske's 3rd witness not only has admitted to me personally that he was forced to give false evidence by Aske, on pain of dismissal, but also states that Lebrun's story that he went twice or three times to see Aske but that Aske hid himself is perfectly true.
It is quite evident that none of the oral evidence ~~can be accepted~~, against either of the delinquents, can be accepted. It would be purely unfair to accept as evidence, statements that are clearly and demonstrably false.
The only evidence against Lebrun is that he received Rs 20/- and did not report the fact for four days. Even if Aske's story were believed that money was paid to induce Lebrun to stop harassing Aske's drivers. But Mr Millen has found there is no truth in the story that Aske's drivers were harassed.

D.M. Cmn. 77.

District munsiff's 1st class

Record in Summary Appealable Cases. Section 264, C.P.C.

In the Court of the Bench of Magistrates, Civil and Military Station of Bangalore.

Number.	Date of commission of offence.	Date of report of complaint.	Name of complainant.	Accused. Name.	Parentage.	Age.	Residence.	Offence complained of or proved.	Prisoner's plea.	Substance of Evidence.	Sentence.	Date on which proceedings terminated.
1	2	3	4	5	6	7	8	9	10	11	12	13
9/148	7.7.31.	13.7.31.	By PC 5537 Krishnaji Rao of C.P. Traffic Shoolay.	Inder Singh	S/o Chatin Singh	25 years	Richmond Road c/o the Rebe	Sec 16 M.V. act- That the accused noted in col: 5 drove his car no. B A 2351 (taxi) on museum Road from north to South at about 8/45 pm 7.7.31 without a tail light and thus by committed a breach of Sec 16(a) M.V. Rules punishable under the above Act.				

Witness
PC 1497 Ramapillay
C/o Shi Shoolay.

Beg to issue summons to the complainant, witness & the accused.

D.C. Shoolay
S.I. Traffic C
7/13.7.31

1276—11-4-1931—12,900—RPB.

Selvaraj has thus been punished for accepting money given for the purpose of inducing him to cease harassing drivers and at the same time he still holds that he must harass drivers. It seems to me highly illogical to find a man guilty of accepting money to refrain from doing a certain act and at the same time find that he had never done that act.

There can be no doubt whatever that his case is for a loan. As regards Joseph I think this was a golden opportunity of conceding his petition was found to be false.
the same game against a hot inspector as the City Police recently but
It is clear to me that the actual charges that have been proved are :-

v. Selvaraj. Accepting Rs 20/- and not reporting the fact to his superiors.

v. Joseph. Attempting to procure a loan from an individual in his jurisdiction.

In regard to (1). Mr Hayes supports Selvaraj's story that he went to see Ashe but Ashe hid himself. Hayes is, of course, on his statement to me, a witness whom it is not necessary to believe. I however think it is unbelievable that Selvaraj has spoken the truth. I cannot believe any person would take a bribe by money order.

In regard to (2) I think it still more incredible that a person would send a third party to collect a bribe. Mr Ashe has lent money to the Police in the past. G. Sriniwas

15.2.32

Selvaraj did charge Mr Ashe, drivers on 13.7.32. The charge sheet is attached.
I perceive a letter written by Ashe asking his
managers to bribe the Mysore Police

Please see from the beginning of notes but more particularly from paragraph 26 onwards. Sullivan's view, which appears to be correct, is that in the light of what he has himself discovered, the only offence that has been brought home against the Sub Inspector was his sitting on a sum of money for four days until asked about it on information given by Ashe, instead of sending it to the Commissioner of Police at once. With regard to the Police Head Constable, it can only be proved that he took a loan.

There are two points for consideration: (i) whether the orders of dismissal should stand and the reasons for dismissal be changed from - "receiving bribes" to "failing to report a receipt of money immediately" in the one case and "taking loans from a taxi owner" in the second. I certainly think that the charge might be altered on these lines. The dismissal of these men was entirely due to Ashe about whose motives perhaps the less said the better.

The second point for consideration is whether in view of the fact that the proved - - offences in each case are something less than "receiving bribes", so severe a sentence as dismissal is called for. Sullivan is inclined to think that a less severe punishment will meet the case. He is not, however, insistent over this point. I am

rather

rather inclined to the view that it would be sufficient merely to alter the reasons for dismissal as suggested above.

17/2

President

(33) There is nothing "urgent" about this case!

4.3

Secy

(34) Was this case sent to President at the usual time? If not, when? 4/3

(35) Please see routine note at slip 'J'.

K.O. Nayar
4-3-82

2.H/3

(36) Secy The bill is now submitted in the ordinary way.

President

(37)

One salient fact appears clear & that is that neither of these men are fitted to be employed in the Police. An appointment which might be termed in a certain Department becomes untenable in a Police whose members are practically open to charges of making money dishonestly. For I case that comes to light, 99 escape. One Inner-temple hint-hand whom Chance affords. In this case these men may simply be considered as having

CORRESPONDENCE.

10th October 1931.

To BANGALORE.
The Hon'ble the Resident in Mysore,
Bangalore.

Thro'
The Commissioner of Police;
C & M Station, Bangalore.

Sir,

I, D.Selvaraj, ex.Sub Inspector of Police, St.John's Hill, Bangalore, do hereby beg to prefer this, my humble appeal against the order passed by R.S.Milton Esq; the Offg. Commissioner of Police on 1-9-31 dismissing me from service and in doing so beg to submit as follows:-

1. I joined the Police Department as a clerk in 1923 and in appreciation of my good work I was specially selected as a Sub Inspector of Police in the year 1929- I completed my police training with distinction at Vellore and in 1930 I was attached to B/4 station. Within a short period of six months I detected several crimes and the entries in my service register by the Commissioner of Police testify to my good work, copy of the entries is attached herewith.

During the course of seven years service, I have always done my best to loyally and faithfully carry out the duties entrusted to me and have a very good record to my credit.

2. On 7-4-31, I was asked to take charge of the Traffic department which I did. Being new to the work, I was trying my best to learn the duties in connection with this post. At about 2-30 p.m. on 9-7-31 I received a M.O. addressed to me from one Mr. C.H.Ashe without any direction in the M.O. coupon. At that time I had no acquaintance even with the said Mr. Ashe and I received the amount under the honest belief that the remittor had sent it for some lawful purpose and that he would either call at my office and explain why it had been sent or communicate in writing his object in doing so. Next morning on 10-7-31 I personally went to the remittor's residence at Richmond Road again on 11-7-31, 13-7-31 and 14-7-31 to ascertain why this sum had been sent but did not find him there; the entries in my official movements diary testify to the truth of my statement.

3. On the afternoon of 14-7-31, the Commissioner of Police

sent for me and to my greatest surprize without holding an enquiry as laid down in P.O. 198, informed me that my probation as Sub Inspector of Police had ceased for negotiating and in furtherance thereof receiving an illegal gratification from Mr. C.H.Ashe. I submitted an explanation orally of my conduct which was perfectly consistent with innocence but the Commissioner of Police was not prepared to believe it. Next morning I insisted on an enquiry being held but he threatened to dismiss me from service in the event of an enquiry. I then preferred a petition that I may atleast be reverted to my permanent appointment apprehending by his remarks that the Offg. Commissioner of Police had already made up his mind against me. As he had come to a definite finding against me without even holding an enquiry and thereby giving me no opportunity to clear myself from groundless charges, I thought it served no useful purpose to press for the enquiry.

(a) Five days after joining my permanent appointment, the Commissioner of Police changed his mind and suspended me and a week later an enquiry was held when for the first time I came to know the specific charges against me fully to the effect:-

> I stopped Mr. Ashe, for the first time, on the"2nd evening" or the "next day" near "the Market" or Commercial Street and asked him why he was not caring for the Police.
>
> Secondly I did not take action on the reports made by Sgt. Brown dated 1-6-31 and 27-6-31 against Ashe's rival Gaiban's buses,
>
> Thirdly I was not at all reporting against his rival Gaiban's buses and was favouring him as I was receiving from him a bribe of Rs. 50/- p.m. and
>
> Fourthly that I wanted a taxi daily for my children to go to school etc.

and realized bitterly with what malice the said Mr. Ashe had sent me the M.O. with the deliberate intention of ruining an honest man like me who had always striven his best to give satisfaction to his superiors and to discharge his duties faithfully and loyally.

(B) Although the learned Offg. Commissioner of Police held, after enquiry, that he was not prepared to believe that portion of Mr. Ashe's statement with regard to my having negotiated with him and found the allegations specifically false, baseless and unfounded yet he draws an adverse inference, because, he had, by that time

ceased my probation as Sub Inspector of Police without holding an enquiry and held me guilty of having succumbed to temptation by reason of having received and kept the amount with me for 4 days without taking into his consideration the important facts:-

(3/c) I had made a note of the calls at the residence of Mr. Ashe on four days in my official movements diary (exhibited in the records and (2) that even on 13-7-31 I preferred a charge sheet against one of Mr. Ashe's taxies which fact is quite inconsistent with my having received the sum of Rs. 20/- by way of bribe or illegal gratification from the said Mr. Ashe. In fact it proves beyond doubt my innocence and establishes that I received the M.O. bona fide and not as alleged.

(3/d) I further beg to submit that in enquiring into the allegations against me the learned Offg. Commissioner of Police did not conform to the procedure laid down in P.O. 199 & Sec. 7(2) of P.O. 204. The Offg. Commissioner of Police unfortunately for me, had made up his mind against me from the moment the charges had been made believing Mr. Ashe and there was no use my trying to convince him out of his belief.

(3/e) It is further a well recognized PRINCIPLE of BRITISH CRIMINAL JURISPRUDENCE that when two constructions are possible of an act, to accept the construction consistent with innocence rather than the one with guilt.

(3/f) Since my dismissal it has come to light that the said Mr. Ashe is engaged in freely carrying on a campaign of vilification against officers of the Police Department.

5. Further I beg to submit, Sir, that if I had intended to take a bribe it was more easy and safe for me either to call at the place of Mr. Ashe in person or send some confidential person when he happened to be a local resident of the Station rather than risk my good record of service and my future prospects by accepting M.O. remittance if I knew it was offered as bribe and stand the chance of sure conviction. Besides it is quite clear that Head Constable's explanation is in favour of my innocence.

(5/a) Being new to Traffic department and inexperienced as pointed out by the learned Offg. Commissioner of Police himself in para 7 of the Minute, I received the M.O. remittance in <u>good faith</u> (B) believing that the remittor would communicate either in person or in writing the object for which the money was sent and how it had to be disposed of. Even Mr. Ashe would not have daringly sent a M.O. if the same was meant as bribe realizing full well the consequence to himself of offering illegal gratification to a Public Servant unless it was meant for a specific purpose. If it was really his object to test my official integrity he would have at first intimated the course he was going to adopt in a confidential communication to the Commissioner of Police. Further I paid 4 visits to elicit the object for which the M.O. was sent and did not report the receipt of the remittance to my superiors as <u>I was trying to ascertain the purpose for which the same was sent</u> and yet the Offg. Commissioner of Police draws an adverse inference against me as to my intent by reason of this fact and passed an order which if not set aside will not only mean unemployment for me and hard times for my family but what matters more it will injure my good reputation for ever which I value more than life itself.

6. I respectfully submit that I belong to a respectable Christian family whose members have always been held in high esteem and the order in question has come as a shock to them and so far as I am concerned I can hardly convey the miserable existence which I have been leading since my dismissal from service. It has involved me in shame and misery and the prosperous career open to a young man of my age has been blasted. My last hope is in receiving justice at your gracious hands.

(6/a) Wherefore I respectfully pray that you would be graciously pleased to give your kind attention to my appeal taking also into consideration the excellent record of my services, my unblemished character for the past 8 years in the Police Department and 3 years in the Army (in the Great War), my youth and inexperience and the respectability of my family, many of whom have rendered meritorious services in the Army as Commissioned officers and be pleased to set

set aside the order passed by the Offg. Commissioner of Police and kindly issue orders re-instating me as Sub Inspector of Police.

For which act of justice and grace, I shall ever feel grateful,

I beg to remain,

Sir,

Your most obedient servant,

D.Selvaraj

D.Selvaraj,
No.4 Todd Cross,
St.John's Hill,
Bangalore.

EXTRACT OF GOOD SERVICE ENTRIES from the Service register.

---

(1)

16-12-1930.

A GOOD SERVICE ENTRY FOR GOOD WORK done in B/4 Crime No.126/858 of 1930.

Sd/- E.H. Sullivan
Commissioner of Police.

3-5-1931.

(2)

GRANTED A REWARD OF Rs. 20/- FOR GOOD WORK done in B/4 crime No.32/31 which led to the detection of 6 more cases.

Sd/- R.S. Milton
Commissioner of Police.

/True Copy/

Sd/- R.S.Milton.
Commissioner of Police.

---

(3)

The reward of Rs. 200/- offered by the Mahalaxmi Mills for the recovery of the articles valued to the extent of Rs. 1500/- stolen from the go-down of the above Mills vide High Ground Crime Nos. 17 & 20 of 30-31, Sec.457 & 380 I.P.C. has not yet been received.

Heroes 3) & (4) do not find a place in the Form No. Pd. 8K.

(4)

Extract from the judgment delivered by the City Magistrate, Bangalore City on 7-6-31, in the Mahalaxmi Daring Burglary case, relating to the excellent services rendered by me in the detection of that case has not yet been received Vide C. of P's office memo No.1434/A/31 of 23-9-31.

--:0:--

Daring Burglaries

By arresting Arokisawmy, an old offender, and Munuswamy, a Sapper pensioner, in connection with the theft of a clock, a carpet and dhurry from the Bethesda Hall on the 18th February last, the police have been able to recover articles in several other cases.

The two accused were the thieves in the housebreaking case of all Saints Church, wherein they removed a pair of large brass vases, a pair of small brass vases, bulbs and a candle stick. The police have recovered all except the candlesticks. In this instance they were assisted by Thulkanam.

They also effected a burglary in the Fraser Town Dispensary, which they entered by wrenching the iron bars apart. They removed an "Ansonia" clock, and a porcelain mortar and pestle. The latter two have been recovered, but the clock was found broken in pieces. These articles, mention must be made, were all found in the Cemetery in Richards' Town.

The four cases have already been reported.

During the course of their investigations, the police learnt that these two men, together with Thulkanam and Doraiswamy, an ex-peon in the Mahalaxma Mills, were connected with the daring burglaries in the Mahalaxmi Mills between January and March. The recovery of a protectorgraph check writer, valued at about Rs 300 was the main clue. On questioning the three accused as to the whereabouts of Doraiswamy, they pleaded ignorance, so Sub-Inspector Shelvaraj made every endeavour to get information. He made inquiries at every *cherri*, and eventually collected the required information from a Sapper friend of Doraisawmy. His information was that the wanted man was in Trichinopoly and gave his actual whereabouts. The police thereupon had the man arrested and brought to Bangalore.

On cross-examining the four accused, the Police learnt that besides the check-writer the thieves had stolen *saries* and other articles valued at about Rs. 1,500, from the godowns of the Mills, and that they had disposed of the *saries* in and round about villages.

Accompanied by the thieves concerned, the police recovered all the said articles. They have filed charge sheets against the accused.

Great credit is due to Sub-Inspector Shelvaraj, for he has been the sole detective in these cases.

B'lore Mail dated

No. 369/013/31

Proceedings of the Commissioner of Police, Civil and Military Station, Bangalore

Dated 14th July *19* 31.

R. S. Milton, Esquire,

Read:-

Confidential File.

The probation of Probationary Sub Inspector D. Selvaraj is ceased from this date for unsatisfactory and suspicious work.

Sd/- R. S. Milton,
14-7-1931.
COMMISSIONER OF POLICE.

Copy forwarded to Traffic S. I. Selvaraj for information.

By Order

M. Ramachandraya

Manager,
Police Commissioner's Office.

Thro' Inspr B Dn.

D. Selvaraj. Please deliver under acknowledgement

14.7.

Inspector B Dn

14/7/31

OB No. 383

Office of the Commissioner of Police,
Civil & Military Station, Bangalore.

Dated 21st. July. 31.

Order.

Typist D. Selvaraj and Head Constable Joseph of Traffic are placed under suspension pending disposal of charges against them.

Sd/- R.S.Milton.
Commissioner of Police.

Copy of the above is forwarded to Inspector B. Dn. for information and necessary action.

(By order)

To
Mr D. Selvaraj

M. Ramachandraiah
Manager.

Sd/ R. S. Milton.
Comm. of Police.
Civil & Military
Bangalore.

M I N U T E.

1. Probationary Sub Inspector D. Selvaraj and Head Constable 523 Joseph of the Traffic Department are charged with:-

2. Negotiating with a Taxi Proprietor for the payment of illegal gratification and in the case of S. I. Selvaraj receiving Rs. 20/ from the said Taxi Proprietor.

3. On the 11th July, Mr. C. H. Ashe, a proprietor of a motor garage and taxies etc., presented a petition to the Commissioner of Police in which he complained that finding his taxies being frequently prosecuted , he on 2-7-1931 questioned Head Constable Joseph of the traffic department; that the latter told him that Gaiban Khan, the proprietor of buses was paying Rs. 50/-, a month to the traffic Sub Inspector Selvaraj and that if he, Mr. Ashe, paid Rs. 20/- per month the prosecutions would cease. That "the same evening or the next day" Selvaraj stopped him near the market and asked him if Joseph had seen him. He replied in the affirmative and said he would see to it. On the 6th Joseph telephoned to him ~~from~~ from Broadway Police Station and said he would be coming later for the money. He came at 8-30 the same day but Mr. Ashe put him off. On the 7th Joseph sent him a note (Ex.A) through a Police constable asking for the money. He would not attend to him then because he was just going to the races. The next day he sent a money order for Rs. 20/- to the Sub Inspector. He produced the money order receipt Ex. "B". He added that the Sub Inspector had sent word through his driver that he wanted a car every day to take his children to School and bring them back.

R-pages 1-2

R-page (3)

R-page (4)

4. Mr. Ashe was examined in the presence of the Sub Inspector and Head Constable when he repeated his accusation with some variations which will be mentioned later.

R - 43-45

Mr. Hayes, Mr. Ashe's manager, speaks to two visits of Head Constable Joseph to Mr. Ashe's Office but does not know the object of the visits.

R - 46

Mr. Ashe's driver states that Selvaraj told him to ask his master for a taxi to take his children to and from school which

R - page 4

message he delivered to Mr. Ashe.

5. Both the accused deny the offences with which they are charged and cite witnesses in their defence.

R-pages 50-52 Selvaraj asserts that he never saw Mr. Ashe nor spoke to him. That he has been prosecuting cases impartially against Ashe's taxies and against Gaiban's buses. He asserts that Mr. Ashe had been threatening the traffic police. He admits that on or about 9-7-31 a sum of Rs. 20/- came to him from Mr. Ashe and that he did not know why the money had been sent. That he went to see Mr. Ashe on four occasions to ask him about it but could not see him. He subsequently learned that the money was intended for Joseph as a loan. He asserts that he never had any dealings with Ashe and that the allegations are deliberately false. He adds that he has no children attending school, he has one child of 3 years.

R-page 54 H.C. 153 speaks to the threat uttered by Ashe against the traffic Staff.

R-page 55. Sub Inspector T. Govindarajulu speaks to the fact that S.I. Selvaraj has one child of 3, not yet attending school, and a baby in arms 2 months old.

R-pages 52-53 H.C. 523 Joseph denies having met Ashe on the 2nd and says that he was sick from the 5th and that he neither met Ashe on the 7th nor phoned to him. That he has known Mr. Ashe since 1926 and borrowed Rs. 20/- from him in 1929. He was negotiating for another loan of Rs. 50/- from him to perform his sister's daughter's marriage and that Mr. Ashe had promised to give him the loan during the first week of July. He went to complainant's quarters in the first week of July and asked him for the loan. He promised to send it. Meanwhile he (Joseph) fell ill and so he sent a chit through P.C. 179 for the money. Subsequently he heard that Selvaraj had received a M. O. for Rs. 20/- from Mr. Ashe and opined that that Rs. 20/- must be intended for him as he had once before borrowed Rs. 20/- from complainant. He asserts that Mr. Ashe's allegations are entirely false and requests action to be taken against Mr. Ashe for making false allegations.

R-page 56 P. C. 179 speaks to carrying a chit from Joseph to complainant and states that Joseph told him that Ashe would give him Rs. 50/-

He says that the Head Constable was lying ill at the time.

R-page 57 Ex. P.C. 410 speaks to the loan transaction in 1929 between Mr. Ashe and H. C. Joseph.

R-page 58 Dr. Rama Rao certifies that Joseph was ill from 6-7-1931 to 16-7-1931.

6. To consider first the case of Selvaraj. It is evident that Mr. Ashe was out to "Collect sufficient and tangible evidence against the Sub Inspector and his staff so that action may be taken against them" I quote from his petition. There is no proof that * R-page 1-2 Selvaraj had any direct dealings with Mr. Ashe at all. Mr. Ashe mentions only one interview which Selvaraj denies. Ashe alleges that Selvaraj said that he did not seem to be caring about them (the Police) and asked if he had seen Joseph. In his petition Ashe alleged that this interview took place "near the market" on the same evening or the next day" i.e. on 2nd or 3rd. In his recorded statement Mr. Ashe is definite that the interview took place "near Commercial Street in front of some harness shops" on the 3rd between "8-30 and 10 a.m." There are no witnesses to the interview and in view of Mr. Ashe's contradictory statements I have to find that the alleged interview did not take place.

Mr. Ashe asserts that Joseph said he was negotiating on behalf of Selvaraj, whether this is true or not this cannot be accepted as evidence against Selvaraj.

Mr. Ashe's allegation against Selvaraj regarding the latter's requisition for taxies to take his children to school also falls to the ground as it is proved that Selvaraj has no school going children.

Re: Mr. Ashe's grievance viz., that his taxies were being frequently 'run in' whereas his rival Gaiban's buses were not, I find this charge equally baseless. During the last three months nine reports were received against Ashe's taxies and ten against Gaiban's buses.

The fact remains that Selvaraj received Rs. 20/- by M. O. from Ashe on 9-7-1931 and that he pocketted the amount and said nothing about it till 14-7-1931 when he was questioned by the Commissioner. Seeing that Ashe was a proprietor of taxies and that Selvaraj was in charge of the Traffic Department, while it is

not proved that he had negotiated for the money, it is an irresistible inference that he knew that the money was intended as an illegal gratification. His duty was clear, he should at once have reported the matter to his superiors.

The case of H. C. Joseph is on an entirely different footing This H. C. has known Mr. Ashe for a number of years. It is proved that he had recent interviews with complainant. Ex. A was clearly sent as a result of previous negotiations. In the chit he pleads illness "so the same may be paid to the bearer". He admits the authenticity of the chit, and explains that it referred to a loan. The explanation does not help him. Even if the explanation were accepted as true, for an Head Constable in the Traffic Department to take loans (he says it is not the first transaction of this nature) from the proprietor of a taxi service would be a very serious offence. I do not, however, accept the explanation, and I find H. C. Joseph guilty of negotiating with Mr. Ashe for the payment of a bribe.

7. Regarding punishment:- Selvaraj was a Probationary Sub Inspector under training. He was placed in charge of the Traffic Department only on 2-4-31. He had no experience. It is clear that Ashe set a deliberate trap for him into which he promptly fell. The offence of which he has been found guilty shows that he is unable to withstand temptation and is not a fit man for the Police Force. The order ceasing his probation is hereby confirmed. He has a lien on a permanent appointment as a clerk on Rs. 43/- in the Commissioner of Police's Office having joined the office in 1923. He is dismissed from Government Service from date of receipt of order.

Head Constable Joseph has nine years service in the Police and over 5 years in the army. He has been dealing with traffic for several years. I can find no extenuating circumstances. He is dismissed from the Force from date of receipt of order.

Sd/- R. S. Milton,
1-9-31.

COMMISSIONER OF POLICE,
C & M STATION, BANGALORE.

Date of receipt of application for copy - 10th September 1931.

Date on which copy was ready - 12th September 1931.

Date on which copy was delivered - 12th September 1931.

"TRUE COPY"

COMMISSIONER OF POLICE,
C & M STATION, BANGALORE.

Bangalore,
Dated 16th October 1931.

To

The Honourable the Resident in Mysore,
Bangalore.

Through

The Commissioner of Police,
Civil and Military Station,
Bangalore.

Most Honoured Sir,

I, A. Joseph Ex Head Constable No. 523 of C & M Station beg to submit my humble Appeal for your honour's most benign consideration against the order of the acting Commissioner of Police, C & M Station, Bangalore on 1-9-1931 dismissing me from the Police Force.

I was appointed as a Head Constable direct in 1922 for the excellent and meritorious service rendered by me in the Army during the Great War for five years and six months and for which I was awarded three -- decorations and was recommended for Jangi Inam Sanad. I completed my Police Training within 6 months in Bangalore and was attached to the Traffic Branch in 1922 and I have nearly put in 10 years service in it during which time I detected many crimes and I have five good entries in my service register for the same. I had also acted twice in the capacity of European Traffic Sergeants for which allowance was granted even when I was in the Police Department. I was twice deputed as Instructor in 14/3rd Madras Regiment -- (Mercara) Coorg during that time also I had discharged my duties to the entire satisfaction of my superiors.

(1) On the after-noon of 14th July 1931 I was asked by the Traffic S.I. through the H.C. 190 as to whether I had any monetary transaction with Mr. Ashe for which I replied that I had negotiated for a loan of Rs. 50/- for the marriage of my niece.

(2)On 16th July 1931 the Commissioner of Police asked me through the Inspector "B" Division for an explanation as to my having negotiated for a bribe to the Traffic S.I. D.Selvaraj and in furtherence thereof sent a note to Mr. C.H. Ashe on 7-7-31 through P.C. 179 which was as follows:-

"I request you to kindly send the money by bearer as I am suffering from Influenza for which I shall be highly thankful".

cf. with Original which has a different wording — page 30 of the Record.

In this connection I submitted my explanation on 17-7-31 to the effect that I know Mr. Ashe for a long time and that he is a friend of mine <u>not in the capacity of Head Constable, as Mr. Ashe's Taxies are running only for the past four months.</u> I had once borrowed in December 1929 a sum of Rs.20/- by sending a similar chit through Ex P.C. 410 Arokiyaswami and this amount was paid back to him in January 1930 through the same P. C. During the last week of June I had gone to Mr. Ashe's house and asked him for a loan of Rs.50/- to celebrate the marriage of my niece which had to take place on 13-7-1931. Since I had two outstanding loans in the Police Cooperative Society and there was a Standing Order issued by the Commissioner of Police not to raise loans with the Local Marwaries I had to raise the loan with Mr. Ashe who was not only a friend of mine for the last 6 years but also he had lent me Rs.20/- on a previous occasion. Mr. Ashe promised to lend me the amount by the 1st week of July 1931. As the marriage was -- fast approaching and as I fell ill suddenly, on 7th July 1931 I sent a chit through P. C. 179 to Mr. Ashe to send -- me the money for which he, Mr. Ashe, sent an oral reply -- that he would send it to me later on. Since I did not -- receive the promised loan in time from Mr. Ashe I had --

The Comm's order asking for Joseph's explanation & the explanation said to have been submitted by Joseph on 17-7-31 are not among the records received. But the facts stated will be found in Joseph's statement recorded by Comm of Police on 28-7-31 at pages 52 & 53 of the Record.

In this declaration, Joseph says he met Ashe in the 1st week of July

to

× R-page (30)

to raise a loan through my sister elsewhere and performed the marriage of my niece on 13-7-31 vide pronote executed. in this connection which is in the file of record in -- office.

o R-page (29)

(3) On 21st July 1931, to my surprise, I was suspended, and on the 28th July an enquiry was held in the course of which Mr. Ashe's allegations were read to me as follows:-

R-page (22)

R-page (49)

(a)That I had negotiated for a bribe to the Traffic Sub Inspector D. Selvaraj in furtherence thereof sent a note to Mr. C. H. Ashe on 7-7-1931 through P. C. 179.

(b) That he had met me at 10 A. M. on 2-7-31 near the Poultry market when he asked why his Taxies only were prosecuted and why his rival Mr. Gaiban Khan Taxies were not done so for which I had replied that Mr. Gaiban Khan was paying the Traffic Sub Inspector Rs.50/- P.M. and that if he (Mr. Ashe) pays Rs.20/- to the Traffic Sub Inspector prosecution of his Taxies would cease, and that I had gone to his Bungalow at Richmond Road at 8-30 A.M. on 6th July 1931 to get the amount etc.,

× R- pages 52-53

(4)Whereupon I repeated my explanation already submitted on 17th July 1931 and requested the Commissioner of Police to take action against Mr. Ashe for having foisted a false case against me, because it is quite evident from the entries made in the Station House Diary that on the 2nd July I was at B/1 Station on duty from 6 A.M. to 11-30 A.M. and on the 6th July again I was on duty from 6 A. M. to 10-35 A. M. at the Station. Mr. Ashe's statement is therefore utterly false with regard to my interview on those days which fact the

o Not-read with the Records

Commissioner

Commissioner of Police had entirely failed to take into consideration and it will again be noticed that Mr.Hay's, Ashe's Manager had stated that I had visited Mr. Ashe's Office (at his residence) on two occasions and that he did not know the objects of my visits whereas Mr.Ashe speaks of the only one visit to his house i.e., on the 6th July apart from the other contradictory statement of his.

+ R-page (46)

(5)Further when I sent a chit through P.C. 179 to Mr. Ashe to send me the money per bearer I do not -- understand why he sent the money direct to the Traffic Sub Inspector who had no concern whatever with it.

I beg to submit that although the allegation that I negotiated for the bribe to the Traffic Sub Inspector has been admitted by the Commissioner of Police himself not to have been proved (vide 6 (a) of the minute*) and when it was proved in the course of cross examination that Mr. Ashe had monetary transaction with other Police Officials (x) namely H.C. 502 of B/2 Station etc., (whose records are in office) in spite of Mr. Ashe's denial at first, and in spite of my previous transaction with the said Mr. Ashe who is a long standing friend of mine having been proved, yet I fail to understand how the Commissioner of Police had construed my bonafide chit for the loan as a request for a bribe.

* (B)

(x) R-pages 40-42

(6) It is also a matter for your honour's kind consideration whether a man of my service of 10 years in the Police Department and 5½ years in the Army -- (field service) with an excellent record of service in my favour in the Police Department would stoop to send a note or chit and that too through a P. C. for money,

if

if it was intended as a bribe without realising the consequence of such a transaction.

(7) Under the circumstances it will be clearly seen that Mr. Ashe had been plotting against the -- Traffic Police labouring under the misapprehension that they are favouring his rival Mr. Gaiban Khan in his business which had been proved to be baseless (vide order No. 6 (c) and brought in a false complaint taking advantage of the loan I asked for.

(8) In view of the above facts, I solicit that your honour will be graciously pleased to take my past satisfactory record and length of service in the Police and in the Army into your benign consideration and render me justice against the false and unfounded allegations of Mr. Ashe and reinstate me in my former appointment.

For which act of justice, my children, family and myself will remain ever grateful.

I beg to remain,
Most Honoured Sir,
Your most obedient servant,.

A. Joseph.

Ex. MC. No 323.

MEMO.

FROM

THE COMMISSIONER OF POLICE,
CIVIL AND MILITARY STATION,
BANGALORE.

To

A. Joseph,
Late Head Constable 523,
C/O B.1 Station, Bangalore..
Through the Inspector of Police,
B. Division, Bangalore.

Reference No:— 1461/A/31/ca 2. Bangalore, Dated 17-9-1931.

Reference:- Your application dated 14-9-1931 requesting the grant of (1) a copy of Minute, (2) Extract of good service entries and rewards (3) a copy of the default sheet etc.

Herewith a copy of the Minute dated 1-9-1931 together with an extract of good service entries and rewards and of the default sheet as desired.

COMMISSIONER OF POLICE.

Extract of Good Service Entries & rewards. from the Service Register of Head Constable 523, A. Joseph.

Date of award	For what service rewarded	Nature of reward & by whom sanctioned, with Superintendent's initials.
	3	
2-1-1930	Good work in arresting/soldiers with property in Ooty Cr. No. 51/29.	Reward of Rs. 10/- from Ooty D.S.P. Id/- E.H.S. Commr. of Police.
20-8-1930	Allowed to accept reward offered by Excise Superintendent of the Station for good work done in Ex.C.No.307/CR.8	Reward of Rs. 15/- Id/ E.H.S. Commr. of Police.
13-2-1931	Allowed to accept the sum offered by Ex. Superintendent of the Station for good work in C.C. 613 & 616/Ex.28-29.	Reward of Rs. 6/- Id/- E.H.S. Commr. of Police.

Copy of the default sheet. --- Suspended from 21-7-31 pending enquiry into his conduct regarding the illegal gratification from a taxi owner.

Date of receipt of application for copy -- 16-9-1931.

Date on which copy was ready 16-9-1931

Date on which copy was delivered 17-9-1931.

" TRUE COPY "

COMMISSIONER OF POLICE.

1/3

M I N U T E.

1. Probationary Sub Inspector D. Selvaraj and Head Constable 523 Joseph of the Traffic Department are charged with:-

2. Negotiating with a Taxi Proprietor for the payment of illegal gratification and in the case of S. I. Selvaraj receiving Rs. 20/ from the said Taxi Proprietor.

3. On the 11th July, Mr. C. H. Ashe, a proprietor of a motor garage and taxies etc., presented a petition to the Commissioner of Police in which he complained that finding his taxies being frequently prosecuted , he on 2-7-1931 questioned Head Constable Joseph of the traffic department; that the latter told him that Gaiban Khan, the proprietor of buses was paying Rs. 50/- a month to the traffic Sub Inspector Selvaraj and that if he, Mr. Ashe, paid Rs. 20/- per month the prosecutions would cease. That "the same evening or the next day" Selvaraj stopped him near the market and asked him if Joseph had seen him. He replied in the affirmative and said he would see to it. On the 6th Joseph telephoned to him ~~form~~ from Broadway Police Station and said he would be coming later for the money. He came at 8-30 the same day but Mr. Ashe put him off. On the 7th Joseph sent him a note (Ex.A) through a Police constable asking for the money. He would not attend to him then because he was just going to the races. The next day he sent a money order for Rs. 20/- to the Sub Inspector. He produced the money order receipt Ex. "B". He added that the Sub Inspector had sent word through his driver that he wanted a car every day to take his children to School and bring them back.

4. Mr. Ashe was examined in the presence of the Sub Inspector and Head Constable when he repeated his accusation with some variations which will be mentioned later.

Mr. Hayes, Mr. Ashe's manager, speaks to two visits of Head Constable Joseph to Mr. Ashe's Office but does not know the object of the visits.

Mr. Ashe's driver states that Selvaraj told him to ask his master for a taxi to take his children to and from school which

message he delivered to Mr. Ashe.

5. Both the accused deny the offences with which they are charged and cite witnesses in their defence.

Selvaraj asserts that he never saw Mr. Ashe nor spoke to him. That he has been prosecuting cases impartially against Ashe's taxies and against Gaiban's buses. He asserts that Mr. Ashe had been threatening the traffic police. He admits that on or about 9-7-31 a sum of Rs. 20/- came to him from Mr. Ashe and that he did not know why the money had been sent. That he went to see Mr. Ashe on four occasions to ask him about it but could not see him. He subsequently learned that the money was intended for Joseph as a loan. He asserts that he never had any dealings with Ashe and that the allegations are deliberately false. He adds that he has no children attending school, he has one child of 3 years.

H.C. 153 speaks to the threat uttered by Ashe against the traffic Staff.

Sub Inspector T. Govindarajulu speaks to the fact that S.I. Selvaraj has one child of 3, not yet attending school, and a baby in arms 2 months old.

H.C. 523 Joseph denies having met Ashe on the 2nd and says that he was sick from the 5th and that he neither met Ashe on the 7th nor phoned to him. That he has known Mr. Ashe since 1926 and borrowed Rs. 20/- from him in 1929. He was negotiating for another loan of Rs. 50/- from him to perform his sister's daughter's marriage and that Mr. Ashe had promised to give him the loan during the first week of July. He went to complainant's quarters in the first week of July and asked him for the loan. He promised to send it. Meanwhile he (Joseph) fell ill and so he sent a chit through P.C. 179 for the money. Subsequently he heard that Selvaraj had received a M. O. for Rs. 20/- from Mr. Ashe and opined that that Rs. 20/- must be intended for him as he had once before borrowed Rs. 20/- from complainant. He asserts that Mr. Ashe's allegations are entirely false and requests action to be taken against Mr. Ashe for making false allegations.

P. C. 179 speaks to carrying a chit from Joseph to complainant and states that Joseph told him that Ashe would give him Rs. 50/-

He says that the Head Constable was lying ill at the time.

Ex. P.C. 410 speaks to the loan transaction in 1929 between Mr. Ashe and H. C. Joseph.

Dr. Rama Rao certifies that Joseph was ill from 6-7-1931 to 16-7-1931.

6. To consider first the case of Selvaraj. It is evident that Mr. Ashe was out to "Collect sufficient and tangible evidence against the Sub Inspector and his staff so that action may be taken against them" I quote from his petition. There is no proof that Selvaraj had any direct dealings with Mr. Ashe at all. Mr. Ashe mentions only one interview which Selvaraj denies. Ashe alleges that Selvaraj said that he did not seem to be caring about them (the Police) and asked if he had seen Joseph. In his petition Ashe alleged that this interview took place "near the market" on the same evening or the next day" i.e. on 2nd or 3rd. In his recorded statement Mr. Ashe is definite that the interview took place "near Commercial Street in front of some harness shops" on the 3rd between "8-30 and 10 a.m." There are no witnesses to the interview and in view of Mr. Ashe's contradictory statements I have to find that the alleged interview did not take place.

(a) Mr. Ashe asserts that Joseph said he was negotiating on behalf of Selvaraj, whether this is true or not this cannot be accepted as evidence against Selvaraj.

(b) Mr. Ashe's allegation against Selvaraj regarding the latter's requisition for taxies to take his children to school also falls to the ground as it is proved that Selvaraj has no school going children.

(c) Re: Mr. Ashe's grievance viz., that his taxies were being frequently 'run in' whereas his rival Gaiban's buses were not, I find this charge equally baseless. During the last three months nine reports were received against Ashe's taxies and ten against Gaiban's buses.

(d) The fact remains that Selvaraj received Rs. 20/- by M. O. from Ashe on 9-7-1931 and that he pocketted the amount and said nothing about it till 14-7-1931 when he was questioned by the Commissioner. Seeing that Ashe was a proprietor of taxies and that Selvaraj was in charge of the Traffic Department, while it is

not proved that he had negotiated for the money, it is an irresistible inference that he knew that the money was intended as an illegal gratification. His duty was clear, he should at once have reported the matter to his superiors.

e) The case of H. C. Joseph is on an entirely different footing This H. C. has known Mr. Ashe for a number of years. It is proved that he had recent interviews with complainant. Ex. A was clearly sent as a result of previous negotiations. In the chit he pleads illness "so the same may be paid to the bearer". He admits the authenticity of the chit, and explains that it referred to a loan. The explanation does not help him. Even if the explanation were accepted as true, for an Head Constable in the Traffic Department to take loans (he says it is not the first transaction of this nature) from the proprietor of a taxi service would be a very serious offence. I do not, however, accept the explanation, and I find H. C. Joseph guilty of negotiating with Mr. Ashe for the payment of a bribe.

7. Regarding punishment:- Selvaraj was a Probationary Sub Inspector under training. He was placed in charge of the Traffic Department only on 2-4-31. He had no experience. It is clear that Ashe set a deliberate trap for him into which he promptly fell. The offence of which he has been found guilty shows that he is unable to withstand temptation and is not a fit man for the Police Force. The order ceasing his probation is hereby confirmed. He has a lien on a permanent appointment as a clerk on Rs. 43/- in the Commissioner of Police's Office having joined the office in 1923. He is dismissed from Government Service from date of receipt of order.

Head Constable Joseph has nine years service in the Police and over 5 years in the army. He has been dealing with traffic for several years. I can find no extenuating circumstances. He is dismissed from the Force from date of receipt of order.

" TRUE COPY "

Sd/- R. S. Milton,
1-9-31.

COMMISSIONER OF POLICE,
C & M STATION, BANGALORE.

COMMISSIONER OF POLICE.

Date of receipt of application for copy 16-9-31
Date on which copy was ready 16-9-31
Date on which copy was delivered 17-9-31

Forwarded

E. Sullivan
Commissioner of Police
Bangalore

20.10.1931.

The original endorsement wherein Mr Sullivan had wished for an interview with the Secy. before passing orders on the affair petitioned has been replaced by the present endorsement by the Commr of Police, Bangalore while the file went up to him.

29-2-32

Enclosures to No 1652/A/31.

(1) Appeal petition of D. Selvaraj dated 10.10.1931 with five enclosures.

(2) Appeal petition of Ex-HC No 523 Joseph dated 16.10.31 with three enclosures.

(3) Minute file containing 1 to 74 pages.

(4) Service Register of D. Selvaraj

(5) Service Register of Ex-HC No 523 Joseph

M. Ramachandraya.

Manager
Office of the Co. Police
Cum Dty Bangalore
22-X-1931

PROCEEDINGS OF THE RESIDENT IN MYSORE.

No. 1910. Bangalore, 15th March, 1932.

S.Nos. 102 U.C. I & II

Read:- Petitions dated the 10th October, 1931, and 16th October, 1931, from D. Selvaraj, ex-Sub Inspector of Police and A. Joseph, ex-Head Constable, Police Force, Civil and Military Station, Bangalore, appealing against the order dated the 1st September, 1931 of the Commissioner of Police, dismissing them from the Police Force.

Read also the records of the case.

O R D E R.

The Hon'ble the Resident, after reviewing the records of these cases, is of the opinion that the charge of bribery against the appellants was not proved. He is, however, satisfied that ex-Sub Inspector Selvaraj's conduct in not reporting immediately the receipt of a sum of money from a person with whom he had to deal in an official capacity is a grave misdemeanour on the part of an officer employed in the Police Department. He is also satisfied that the action of Head Constable Joseph in receiving money as a loan or for any other private purpose from a person with whom he had official dealings

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dealings cannot be tolerated. The - Hon'ble the Resident is therefore pleased to uphold the orders of dismissal but directs that the reason for dismissal shall be that the appellants have - proved themselves to be unfit for - further employment in the Police - Department.

SECRETARY TO THE RESIDENT.

To

The Commissioner of Police, Civil and Military Station, Bangalore, with records returned, with reference to his endorsement dated the 20th October, 1931. The order may kindly be communicated to the appellants.

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